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10 Attorneys for Defendants
11 DEPUY, INC. and DEPUY SPINE, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 SPOTLIGHT SURGICAL, INC.,

16 Plaintiff,

17 vs.

18 DEPUY, INC. AND DEPUY SPINE, INC.,

19 Defendants.

Case No. CV 07-03362 JF RS

**STIPULATION TO EXTEND THE DATE
FOR DEFENDANTS DEPUY, INC.'S AND
DEPUY SPINE, INC.'S RESPONSE TO
COMPLAINT**

20 Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. are
21 actively negotiating a settlement. Accordingly, the parties previously stipulated that Defendants
22 had an extension of time up to and including March 28, 2008 to answer or otherwise respond to
23 Plaintiff's Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15
24 U.S.C. § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law
25 Unfair Competition.

26 The parties have exchanged drafts of a settlement agreement hope to be able to finalize
27 their settlement and dismiss this matter within the next thirty days. Thus, the parties, by and
28 through their undersigned attorneys, hereby stipulate and agree that Defendant shall have an
additional extension of thirty days (30) days to answer or otherwise respond to Plaintiff's
Complaint, up to and including April 28, 2008.

1 This will be the eighth extension of time entered in this case. This stipulation is not
2 entered into for any purposes of delay. Rather, the parties have a good faith belief that they will
3 shortly settle this matter and, under such circumstances, do not wish to unnecessarily expend
4 either the Court's or their time and resources on further litigation.

5 Dated: March 28, 2008

MORGAN, LEWIS & BOCKIUS LLP

6
7 By 
8 Diane J. Mason

9 Attorneys for Defendant DEPUY, INC. and
DEPUY SPINE, INC.

10 Dated: March 28, 2008

11 HELLER EHRMAN LLP

12
13 By 
14 Harold J. Milstein

15 Attorneys For Plaintiff SPOTLIGHT
16 SURGICAL, INC.

17 PURSUANT TO STIPULATION, IT IS SO ORDERED

18
19 Dated: _____

20 The Honorable Jeremy Fogel
21 United States District Judge